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WILLIAM A. MUNDELL
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Commissioner

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IN THE MATTER OF THE GENERIC
INVESTIGATION INTO U S WEST
COMMUNICATIONS, INC.'S COMPLIANCE
WITH CERTAIN WHOLESALE PRICING
REQUIREMENTS FOR UNBUNDLED
NETWORK ELEMENTS AND RESALE
DISCOUNTS.

DOCKET NO. T-00000A-00-0194

**QWEST CORPORATION'S MOTION
CONCERNING SCOPE OF PROCEEDING**

Qwest Corporation ("Qwest") moves the hearing officer for entry of a procedural order indicating that the issue of reciprocal compensation for ISP traffic will not be addressed in this hearing. On April 29, 2001, the FCC released its Order on Remand and Report and Order in In the Matter of Implementation of Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68, Order on Remand and Report and Order, FCC 01-131 (rel. Apr. 27, 2001) ("Order"). The Order preempts any state commission decisions regarding compensation for ISP-bound traffic that are issued after the effective date of the Order:

Because we now exercise our authority under section 201 to determine the appropriate intercarrier compensation for ISP-bound traffic, however, state commissions will no longer have authority to address this issue. For this same reason, as of the date this Order is published in the Federal Register, carriers may no longer invoke section 252(i) to opt into an existing interconnection agreement with regard to the rates paid for the exchange of ISP-bound traffic. Section 252(i) applies only to agreements arbitrated or approved by state commissions pursuant to section 252; it has no application in the context of an intercarrier compensation regime set by this Commission pursuant to section 201.

Order at ¶ 82. The Order further reaffirms that Internet-bound traffic is not subject to the reciprocal compensation provisions of the Act, and asserts the FCC's jurisdiction to establish the appropriate mechanism for this traffic. See, e.g., Order at ¶¶ 34, 52, 67-76.

The FCC also initiated a proceeding in its order to consider whether to replace permanently "existing intercarrier compensation schemes with some form of what has come to

1 be known as "bill and keep." Order at ¶ 2. On an interim basis, the Order also adopts a phased-
2 down rate approach with rate caps on intercarrier compensation for ISP-bound traffic in
3 circumstances where bill and keep is not used. Order at ¶ 98. Such compensation is initially
4 capped at \$0.0015/minute-of-use ("mou") and steps down to \$0.0007/mou over the next 25
5 months. Id. The Order also caps the amount of ISP-bound traffic for which a carrier can receive
6 compensation subject to the caps. Id. These caps apply for 36 months, or until further FCC
7 action, whichever is later. Id.

8 Under the Order, this Commission cannot make any determination in this docket setting
9 compensation on ISP-bound traffic. Qwest respectfully requests that a procedural order be
10 issued providing that reciprocal compensation for ISP traffic will not be addressed in this docket.

11 RESPECTFULLY SUBMITTED this 22nd day of June, 2001.

12 QWEST CORPORATION

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1 ORIGINAL and 10 copies of the
2 foregoing hand-delivered for filing
3 this 22nd day of June, 2001 to:

4 Docket Control
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8 COPY of the foregoing hand-delivered
9 this 22nd day of June 2001, to:

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20 COPIES (3) of the foregoing hand-delivered
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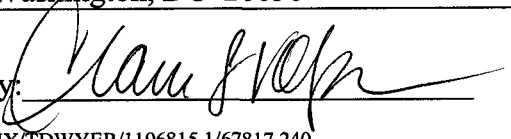
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